

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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JUN 14 2006

STATE OF ILLINOIS
Pollution Control Board

D & L LANDFILL, INC.)
)
Petitioner,)
)
v.)
)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Respondent.)

PCB No. *06-185*
(Permit Appeal-Air)

NOTICE OF FILING AND PROOF OF SERVICE

To: Dorothy Gunn, Clerk
Illinois Pollution Control Board
State of Illinois Center
100 W. Randolph, Ste. 11-500
Chicago, IL 60601


Division of Legal Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794-9276

PLEASE TAKE NOTICE that on Wednesday, June 13, 2006, I filed with the Office of the Clerk of the Pollution Control Board an original and nine copies of Petitioner's Petition for Review of Agency Permit Decision by U.S. Mail and Federal Express.

The undersigned certifies that he served the Petitioner's Petition for Review of Agency Permit Decision by mailing a copy to the above persons by U.S. Mail on Wednesday, June 13, 2006.

D & L LANDFILL, INC., Petitioner

By: MOHAN, ALEWELT, PRILLAMAN & ADAMI, its attorneys,

By: 
Patrick D. Shaw

Mohan, Alewelt, Prillaman & Adami
1 North Old Capitol Plaza, Suite 325
Springfield, IL 62701-1323
Telephone: 217/528-2517
Facsimile: 217/528-2553

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THIS FILING SUBMITTED ON RECYCLED PAPER

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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PETITION FOR REVIEW OF AGENCY PERMIT DECISION

NOW COMES Petitioner, D & L Landfill, Inc., by its undersigned counsel, petitions for review the issue of an air construction permit with conditions, stating as follows:

1. In 2002, D & L Landfill, Inc. was issued Clean Air Act Program Permit No. 99050035 for the operation of a municipal solid waste landfill in Bond County, Illinois.
2. In 2003, the active landfill unit was sold to Allied Waste Industries, Inc. and renamed The Bond County Landfill.
3. D & L Landfill, Inc. retained ownership of only the closed units for which closure and post-closure care is being provided.
4. On or about November 28, 2005, D & L Landfill, Inc. applied for permission to construct an additional gas well and flare to control gas migration along the northern edge of the closed landfill.
5. On May 12, 2006, the Illinois EPA issued a construction permit, granting the application, but providing several conditions, including but not limited to special conditions 2 through 5, which are premised on the legal assumption that the closed D & L landfill (I.D. No. 005801AAE) is considered a single source with Bond County Landfill (I.D. No. 005005ABF). See Exhibit A.

6. D & L Landfill, Inc. respectfully disagrees that the closed landfill and the active landfill are the same unit.

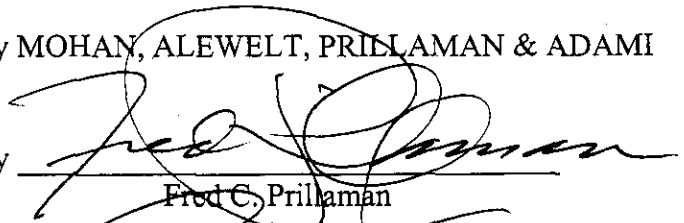
WHEREFORE, the Petitioner prays for an order finding that the closed D & L Landfill and the active Bond County Landfill are not the same unit, directing the Illinois EPA to issue the permit without the conditions applicable to a single unit, and for such other and further relief as the Board deems meet and just.

Respectfully submitted,

D & L LANDFILL, Petitioner

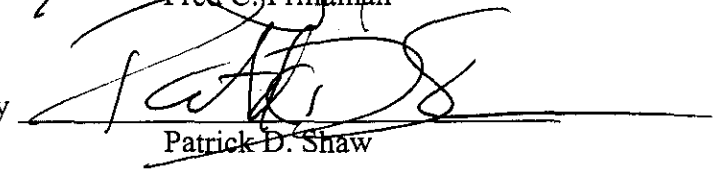
By MOHAN, ALEWELT, PRILLAMAN & ADAMI

By



Fred C. Prillaman

By



Patrick D. Shaw

MOHAN, ALEWELT, PRILLAMAN & ADAMI
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ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19506, SPRINGFIELD, ILLINOIS 62794-9506 - (217) 782-2113

ROD R. BLAGOJEVICH, GOVERNOR

DOUGLAS P. SCOTT, DIRECTOR

217/782-2113

CONSTRUCTION PERMIT - NSPS SOURCE

PERMITTEE

D & L Landfill, Inc.
Attn: Don McCray
1212 Ayers Road
Greenville, Illinois 62246

Application No.: 05110071

I.D. No.: 005801AAE

Applicant's Designation:

Date Received: November 28, 2005

Subject: Modification of Passive Landfill Gas Collection System

Date Issued: May 12, 2006

Location: 825 West Willard Street, Greenville, Bond County

Permit is hereby granted to the above-designated Permittee to CONSTRUCT emission source(s) and/or air pollution control equipment to modify existing passive landfill gas collection system, including construction of a new landfill gas extraction well and associated passive flare, as described in the above-referenced application. This Permit is subject to standard conditions attached hereto and the following special condition(s):

1. This permit authorizes modification of existing passive landfill gas collection system by constructing a new landfill gas extraction well and associated passive flare to control landfill gas.
2. This permit does not revise or relax requirements for emissions, testing, recordkeeping, and reporting associated with the flares as established in Conditions 7.1.6, 7.1.7, 7.1.9, and 7.1.10, respectively of CAAPP Permit 99050035.
- 3a. This flare is subject to the New Source Performance Standard (NSPS) for air emissions from Municipal Solid Waste Landfills, 40 CFR 60, Subparts A and WWW.
- b. The flare shall be designed and operated in accordance with 40 CFR 60.18. This includes but is not limited to:
 - i. The flare shall be designed for and operated with no visible emissions as determined by the methods specified in 40 CFR 60.18(f)(1), except for periods not to exceed a total of 5 minutes during any 2 consecutive hours. [40 CFR 60.18(c)(1)]
 - ii. The flare shall be operated with a flame present at all times while landfill gasses are being vented to it, as determined by the methods specified in 40 CFR 60.18(f)(2) and 60.756(c)(1). [40 CFR 60.18(c)(2)]
 - iii. The flare shall be used only with the net heating value of the gas being combusted being 7.45 MJ/scm (200 Btu/scf) or greater.

The net heating value of the gas being combusted shall be determined by the methods specified in 40 CFR 60.18(f)(3). [40 CFR 60.18(c)(3)(ii)]

- iv. The flare shall be designed and operated with an exit velocity less than the maximum allowable velocity, V_{max} , as determined by the method specified in 40 CFR 60.18(f)(6). [40 CFR 60.18(c)(5)]
 - v. The Permittee shall monitor the flare to ensure that it is operated and maintained in conformance with the manufacturer's design specifications.
 - vi. The flare shall be operated at all times when landfill gases may be vented to it. [40 CFR 60.18(e)]
- c. The Permittee shall install, calibrate, maintain, and operate equipment to record landfill gas flow to the flare, in accordance with 40 CFR 60.756(c)(2).
4. Emissions and operation of flare shall not exceed the following limits:
- a. Maximum landfill gas loading to the flare = 90 scfm.
 - b. Emissions of NO_x shall not exceed 0.2 lb/hour and 0.88 tons/year.
 - c. Emissions of CO and VOM each shall not exceed 0.1 lb/hour and 0.44 tons/year.
- Note: These limits are based on the information provided in the CAAPP modification application dated including maximum flare capacity and continuous operation. Compliance with annual limits shall be determined from a running total of 12 months of data.
5. The Permittee shall conduct observation for visible emissions to verify compliance with 40 CFR 60.18(c)(1) for the flare.
6. The Permittee shall, in accordance with the manufacturer's and/or vendor's recommendations, perform periodic maintenance on the pollution control equipment covered under this permit such that the pollution control equipment be kept in proper working condition and not cause a violation of the Environmental Protection Act or regulations promulgated therein.
7. The Permittee shall maintain an operating log for the air pollution control equipment, which at a minimum includes status of the flare, adjustments of the flare operating parameters, the results of inspections and maintenance and repair activity.
- 8a. The Permittee shall keep the following records for the flare:
- i. A file containing the design specifications for the flare including capacity, scfm, and a demonstration that the flare complies with the operating specifications of 40 CFR 60.18, i.e., gas heat content and exit velocity.

- ii. The landfill gas consumption by the flare, on a daily basis.
- iii. A log or records of inspection/maintenance of the flare, which shall include the following:
 - A. Date of inspection with condition of the flare and description of any maintenance needed.
 - B. Date of maintenance performed with description
- b. These records shall be retained for five years and shall be available for inspection and copying by the Illinois EPA.
- 9. The Permittee shall report in writing to the Illinois EPA within 30 days of any deviation from the requirements of this permit with description of deviation, time and duration, cause and remedial action, if any.
- 10. In the event that the operation of passive gas collection system results in an odor nuisance or any other nuisance due to the operation of the flare or through any other cause, the Permittee shall take all appropriate and necessary action, including but not limited to, changes in operating procedures or installation of air pollution control equipment, in order to eliminate the nuisance.
- 11. Two copies of required reports and notifications shall be sent to the Illinois EPA's compliance section at the following address unless otherwise indicated:

Illinois Environmental Protection Agency
Division of Air Pollution Control
Compliance Section (#40)
P.O. Box 19276
Springfield, Illinois 62794-9276

and one copy shall be sent to the Illinois EPA's regional office at the following address:

Illinois Environmental Protection Agency
Division of Air Pollution Control
2009 Mall Street
Collinsville, Illinois 62234

- 12. The Permittee may operate the flare pursuant to this construction permit until the CAAPP permit for the source is revised to address this flare.

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If you have any questions about this permit, please contact Kunj Patel,
Permit Analyst at 217/782-2113.

Sincerely,

Donald E. Sutton

Donald E. Sutton, P.E.
Manager, Permit Section
Division of Air Pollution Control

DES:CPR:KMP:lsm

cc: Region 3



STATE OF ILLINOIS
ENVIRONMENTAL PROTECTION AGENCY
DIVISION OF AIR POLLUTION CONTROL
P. O. BOX 19506
SPRINGFIELD, ILLINOIS 62794-9506

**STANDARD CONDITIONS FOR CONSTRUCTION/DEVELOPMENT PERMITS
ISSUED BY THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY**

July 1, 1985

The Illinois Environmental Protection Act (Illinois Revised Statutes, Chapter 111-1/2, Section 1039) authorizes the Environmental Protection Agency to impose conditions on permits which it issues.

The following conditions are applicable unless superseded by special condition(s).

1. Unless this permit has been extended or it has been voided by a newly issued permit, this permit will expire one year from the date of issuance, unless a continuous program of construction or development on this project has started by such time.
2. The construction or development covered by this permit shall be done in compliance with applicable provisions of the Illinois Environmental Protection Act and Regulations adopted by the Illinois Pollution Control Board.
3. There shall be no deviations from the approved plans and specifications unless a written request for modification, along with plans and specifications as required, shall have been submitted to the Agency and a supplemental written permit issued.
4. The permittee shall allow any duly authorized agent of the Agency upon the presentation of credentials, at reasonable times:
 - a. to enter the permittee's property where actual or potential effluent, emission or noise sources are located or where any activity is to be conducted pursuant to this permit,
 - b. to have access to and to copy any records required to be kept under the terms and conditions of this permit,
 - c. to inspect, including during any hours of operation of equipment constructed or operated under this permit, such equipment and any equipment required to be kept, used, operated, calibrated and maintained under this permit,
 - d. to obtain and remove samples of any discharge or emissions of pollutants, and
 - e. to enter and utilize any photographic, recording, testing, monitoring or other equipment for the purpose of preserving, testing, monitoring, or recording any activity, discharge, or emission authorized by this permit.
5. The issuance of this permit:
 - a. shall not be considered as in any manner affecting the title of the premises upon which the permitted facilities are to be located,
 - b. does not release the permittee from any liability for damage to person or property caused by or resulting from the construction, maintenance, or operation of the proposed facilities,
 - c. does not release the permittee from compliance with other applicable statutes and regulations of the United States, of the State of Illinois, or with applicable local laws, ordinances and regulations,
 - d. does not take into consideration or attest to the structural stability of any units or parts of the project, and

**DIRECTORY
ENVIRONMENTAL PROTECTION AGENCY
BUREAU OF AIR**

For assistance in preparing a permit application contact the Permit Section.

Illinois Environmental Protection Agency
Division of Air Pollution Control
Permit Section
1021 N. Grand Ave E.
P.O. Box 19506
Springfield, Illinois 62794-9506

or a regional office of the Field Operations Section. The regional offices and their areas of responsibility are shown on the map. The addresses and telephone numbers of the regional offices are as follows:

**Illinois EPA
Region 1**
Bureau of air, FOS
9511 West Harrison
Des Plaines, Illinois 60016
847/294-4000

**Illinois EPA
Region 2**
5415 North University
Peoria, Illinois 61614-
309/693-5463

**Illinois EPA
Region 3**
2009 Mall Street
Collinsville, Illinois 62234
618/346-5120

